

## **REMARKS**

Claims 1-25 are currently pending. Applicants respectfully request reconsideration and allowance of the above-captioned application.

### **Objections**

The Office Action of August 23, 2004 includes an objection to the disclosure noting the existence of a hyperlink in the text. The "http:\\www" has been deleted from page 2, line 10, to avoid the appearance of a hyperlink. Accordingly, withdrawal of this objection is respectfully requested.

### **Language Based Rejection**

The Office Action also includes a rejection of claims 1-19 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner is correct insofar as claim 1, line 2, should have made reference to "still images" as would be apparent to one skilled in the art. Claim 1 has been amended to add the obviously missing term "images".

Similarly, some extraneous language appeared in original claim 6. It has been deleted.

Finally, the Office suggests that the "input device pointer" of claim 11 is not clearly defined in the specification. Support for the original recitations can be found, for instance, at page 24, under the subheading "electronic pointer". In case the Examiner was simply suggesting that claim 11 should more precisely track the language of the specification, claim 11 has been amended to make reference to an

electronic pointer rather than an input device pointer, although the change does not seem to be substantive. Should the undersigned have misunderstood the Examiner's intentions, the Examiner is invited to contact the undersigned so as to resolve the issue over the telephone.

**Prior Art Rejections**

The Office Action includes: (1) a rejection of claims 1, 3, 5-9, 11 and 17-19 under 35 U.S.C. § 102(e) as allegedly being anticipated by the Gutfreund et al. patent (U.S. Patent No. 6,665,835); (2) a rejection of claims 2, 4, 10, 20 and 21 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent in view of the Anderson patent (U.S. Patent No. 5,812,736); (3) a rejection of claim 22 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent in view of the Anderson patent and in further view of the Rogers patent (U.S. Patent No. 4,609,779); (4) a rejection of claim 23 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent and the Anderson patent and further in view of the Fujioka patent (U.S. Patent No. 5,414,481); (5) a rejection of claims 12 and 13 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent and in further view of the Lipson patent (U.S. Patent No. 6,463,426); (6) a rejection of claim 14 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent and the Lipson patent and in further view of the Block patent (U.S. Patent No. 6,295,543); (7) a rejection of claim 15 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent, the Lipson patent, the Block patent, and in further view of the Pederson

patent (U.S. Patent No. 5,638,543); and (8) a rejection of claim 16 under 35 U.S.C. § 103 as allegedly being unpatentable over the Gutfreund et al. patent, the Lipson patent, and the Block patent in further view of the Lin patent (U.S. Patent No. 5,978,818). Additionally, claims 24 and 25 are (9) rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by the Anderson patent. These rejections are respectfully traversed.

### **The Present Invention**

The dissemination of information is a key to success in many endeavors. A majority of corporate and education institutions use the traditional lecture format in which a speaker addresses an audience (page 1, lines 7-8 of the original specification).<sup>1</sup> However, due to difficulties and scheduling and geographic diversity among the speakers and audience members, a variety of techniques for recording the content of these lectures have been developed. These techniques include videotaping, audio taping, transcription into written formats and other means of converting lectures to analog and other non-computer based formats. (page 1, lines 8-12.)

However, with the advent and growing acceptance of the internet and the World Wide Web, institutions have started to use this communication medium to make lectures available to intended audience members. (page 1, lines 13-14.) It is a laborious process to creative web-base lecture presentation using conventional

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<sup>1</sup>All citations are to the specification as originally filed.

technology. (page 1, lines 15-21.) For instance, such a conversion often involves manually removing slides and digitizing them while manually recording and digitizing audio into a web-based format. In addition, to complete the lecture materials, each slide must be manually synchronized with the respective portion of audio. Thus, the entire process of converting a lecture to a format that can be published on the internet is relatively labor intensive, time-consuming and expensive.

The present invention largely mitigates against this time expenditure by greatly simplifying and automating the process. (page 4, lines 7-9.) Specifically, the present invention involves methods and systems by optimizing automating the process of converting lecture presentations into a web-based format, for example, and allowing it for remote searching and retrieval of information. (page 4, lines 9-13.)

### **Independent Claim 1**

As recited in pending claim 1, the present invention involves an apparatus for capturing a live presentation. It comprises means for capturing electronic still images for display by a display device which displays the still images for viewing by an audience. It also includes a means for recording the audio portion of a speaker's presentation during a live presentation. Additionally, claim 1 recites a means for automatically synchronizing the changeover of one still image to another with the audio recording. It is respectfully submitted that this combination of features as found in claim 1 are neither anticipated nor rendered obvious by the applied art.

**Independent Claim 20**

Independent claim 20 recites a system for digitally recording and storing a lecture presentation using slides and audio. It includes a still image generator for displaying a still image. It further includes a capturing component configured to capture still image data from data used to generate the still image, while the still image is being displayed by the still image generator. Additionally, independent claim 20 recites a receiving component configured to receive audio signals and a converting component configured to convert the audio signals into digital audio data. Finally, claim 20 recites a computer including a memory for storing the digital still image data and the digital audio data.

**Independent Claim 24**

Independent claim 24 recites a computer readable medium containing instructions for controlling a data processing system to perform a method in a display system with a display device in the memory. This method claim tracks recitations of system claim 20 to a degree by reciting initiating a display of an image, automatically capturing the image data from the image in response to the initiation and storing the image data in the memory of the display system. Claim 24 also recites receiving the image and the audio signals associated with the still image. The capturing step includes the steps of capturing audio data from the received audio signals and storing the captured audio data in the memory of the display system.

**The Gutfreund et al. Patent**

The Gutfreund et al. patent discloses a "journaling" tool 224 which is operated by a person responsible for capturing and/or receiving audio/video streams from the camera/microphones connected and controllable from a console. The primary thrust of the Gutfreund et al. patent is a manner of timestamping, which is said to be advantageous because timestamps for different media are independent of each other. The timestamping is either done by the user of the journaling tool or automatically by, for instance, the action of selecting a next slide.

Each timestamped event results in three actions as articulated at column 4, lines 62-66. The first action is a timestamp being generated and added to the timestamp log file. The second action is of a view graph displays being updated to display a current view graph. Third, a notepad advances the display to a new notepad page for input by the user.

At column 5, line 66 – column 6, line 1 of the Gutfreund patent, the slides are described as being JPEG miniatures of the presenter's view graphs. These JPEGs are independently created according to column 6, lines 1-3, and are apparently located on a Netshow server 140. At column 7, lines 31-34, it is stated that "related information need not actually be present at this time [of the presentation] because so long as a cue is provided that a timestamp is to be made, the content can be provided later."

It is apparent from the various passages quoted above and a thorough reading of the Gutfreund et al. patent that the slides or other visual aids elements are introduced to the Netshow server 140 separate and apart from a live presentation.

In marked contrast, as recited in claim 1, the present invention includes means for capturing electronic still images for display by a display device which displays still images for viewing by an audience. Invoking the provisions of 35 U.S.C. § 112, sixth paragraph, and the procedure outlined in MPEP § 2183, it is noted that all of the corresponding structure, material or acts described in the specification capture electronic still images during the live presentation that is being captured. For instance, the hardware can include a mirror assembly, a CCD digital camera and a computer with video and audio capturing ability. See page 24. Alternatively, the mirror assembly can be replaced with a beam splitter as articulated at page 23. There are electronic capture embodiments as discussed beginning at page 25 et seq., which includes a projector embodiment, digital output projector and a projector with immediate processor and publishing capabilities, for instance. The basic point is that in each of the embodiments, as implied by the original claim language, the means for capturing the electronic still images is done during the live presentation.

Insofar as it does not affect the scope of the claims as properly interpreted under 35 U.S.C. § 112, sixth paragraph, claim 1 has been amended to explicitly recite that the means for capturing is means for capturing during a live presentation electronic still images for display by a display device which displays the electronic still images for viewing by an audience.

No such mechanism is employed, as far as the undersigned can tell, in the Gutfreund et al. patent. In fact, it would seem unlikely one would modify the Gutfreund et al. system insofar as the journaling tool is intended to be used by an

individual for his or her own note taking, rather than capturing a live presentation.

Naturally, the audio-video portion is captured, but there is no suggestion for the added complexity of electronic still images being captured during live presentations.

Hence, Applicants respectfully submit that claim 1 is neither anticipated nor rendered obvious by the Gutfreund et al. patent insofar as the Gutfreund et al. patent does not teach or suggest an apparatus for capturing a live presentation which includes a means for capturing, during a live presentation, electronic still images for display by a display device which displays the electronic still images for viewing by an audience.

With respect to claim 11, it is noted that the present invention involves an apparatus for capturing a live presentation. However, the Office is citing to a portion of the disclosure of the Gutfreund et al. patent which talks about operation of the journaling tool and specifically control buttons on the journaling tool during play-back. Claim 11 invokes means for determining location of an electronic pointer on a display device and storing the determined location of the pointer and the associated timestamp into memory. However, the cited part of the Gutfreund disclosure is not in the context of capturing a live presentation but rather a mechanism for entry of notes. Stated differently, the electronic pointer is not on the display device that is for displaying electronic still images for viewing by a viewing audience. It is respectfully also noted that the journaling tool is for operation by a single person, and not an audience.

In light of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e) of claims 1, 3, 5-9, 11, and 17-19.

**The Anderson Patent**

The Anderson patent can most succinctly be described with reference to its manner of operation. At column 6, beginning at line 15, a digital camera in accordance with the Anderson patent can be used for capturing a birthday party, for instance. As described in the Anderson patent, during the singing of "Happy Birthday" a parent can begin recording an audio portion of a song while taking pictures of a son or daughter, the people at the table, the cake, etc., in real time. After the slide show has been created, the parent can play back the slide show to the people at the party such that the viewers hear the singing of "Happy Birthday" while pictures of the scene are displayed at the time they were taken during the song.

With respect to claim 24, it is respectfully submitted that the Anderson patent does not simultaneously initiate the display of an image and automatically capture image data from the image in response to an initiation, nor does it receive the image and audio signals associated with the still image when the capturing step includes the steps of capturing audio data from received audio signals and storing the captured audio data in the memory of the display system. While the language is somewhat subtle, it should be emphasized that the Anderson camera captures images during an audio recording sequence. It does not initiate display of the image and then automatically capture image data from the image in response to the

initiation. Instead, the viewfinder, for instance, may display a scene (e.g., a birthday party) and images from that scene can be captured but that is not the same thing as initiating display of an image (such as done during playback) and then automatically capturing the image data from the image (which would be redundant at best because the image has already been captured in the Anderson camera) in response to the initiation. Claim 24 invokes the idea of the present invention wherein image data is being displayed to an audience, for instance, and the computer readable media contains instructions to capture that displayed image from the image in response to an initiation of the display of the image.

Further, it would make no sense to modify the Anderson system to capture its own images insofar as there would be no reason to recapture an image that had already been captured.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 24 and 25 as allegedly being anticipated by the Anderson patent.

#### **The Hypothetical Combination of References**

With respect to the rejections under 35 U.S.C. § 103, it is respectfully submitted that whether one views the Gutfreund et al. patent alone or in conjunction with the Anderson patent, the hypothetical combination would not cure the deficiencies of the rejection noted above. Stated differently, whether one views the Gutfreund et al. patent alone or in combination with the Anderson patent, there would still be no means for capturing, during a live presentation, electronic still

images for display by a display device which displays electronic still images for viewing by an audience.

Further, a hypothetical modification of the Gutfreund et al. patent with the Anderson patent would be counterintuitive. The Anderson patent captures images from a scene during the recording of an audio track. However, the Gutfreund et al. patent clearly states that its purpose is to separate or make independent the creation of timestamps for time related components. Such timestamps would not be independent if one were to attempt to modify the Gutfreund et al. patent with the mechanism employed in the Anderson patent.

Also, the Office applies the Anderson patent for teaching features of various dependent claims. However, it is specifically pointed out that the hypothetical combination of the Gutfreund et al. patent with the Anderson patent would not lead to the recitations of claim 2, for instance. Claim 2 recites means for capturing electronic still images includes means for routing electrical signals intended to drive a display device to means for synchronizing. It seems unlikely the Anderson camera would include means for routing electrical signals intended to drive the display device to a means for synchronizing. Stated differently, the image is simply stored in the Anderson camera and there would be no reason to reroute its electrical signals during playback.

With respect to independent claim 20, the Office acknowledges that the Gutfreund et al. patent does not disclose in its system a still image generator for displaying a still image, a capturing component to capture the digital still image data from the data used to generate the still image, wherein the still image is being

displayed by the still image generator, a receiving component configured to receive audio signals or a computer which includes a memory for storing the digital still image data and the digital audio data. It suggests that the Anderson patent provides these teachings. However, as pointed out above, the Anderson patent neither teaches nor would have suggested the capturing of digital still image data from data used to generate the still image while the still image is being displayed by the still image generator. The image is simply taken by the camera and displayed in a viewfinder in a playback mode. There would be no reason for a capturing component to recapture the same image data. Hence, the hypothetical combination of the Gutfreund et al. system with the Anderson system would not result in the present invention as articulated in claim 20.

### **Tertiary References**

This is even more apparent with reference to claim 22. The Gutfreund et al. patent and the Anderson patent would not result in the recitations of claim 20, from which claim 22 depends. It certainly would not result in the still image generator displaying still images using an overhead transparency projector. There is no room in either of the Gutfreund et al. patent or the Anderson patent for an overhead projector. The Office suggests that the Rogers patent discloses the use of an overhead transparency projector. However, simply disclosing well-known structure of an overhead projector would not provide enough motivation to modify either the Gutfreund et al. patent or the Anderson patent, whether taken alone or in combination, for at least the reasons given above.

Similarly, claim 23 recites a paper document projector. For the same reasons, simply finding a reference such as the Fujioka patent that disclose a paper image projector is still not sufficient motivation to change the Gutfreund et al. system or the Anderson camera.

With respect to the Lipson patent, it is noted that even if one were to accept the Examiner's reasoning as to the combinability of the Lipson patent with the Gutfreund et al. patent, the hypothetical result would not cure the deficiencies of the rejection noted above. Similarly, with respect to the Block patent, which is described as disclosing the use of an optical character recognition to process image data, it is respectfully submitted that the Gutfreund et al. and Lipson patent taken in combination with the Block patent would still not suggest the unique combination of features found in claim 1, for instance.

With respect to the Pederson patent, the Office suggests that it discloses a method of automatically summarizing documents. Be this as it may, there is no motivation for such a thing insofar as the Gutfreund et al. patent discloses the ability for note taking. Note taking in essence is a method of summarizing documents and therefore it would seem redundant to do both.

Finally, with respect to the Lin patent, the Office suggests that it discloses a method of providing an automated outline of a document. However, the Gutfreund et al. patent speaks of a table of contents which includes the titles of the view graphs, for instance. Therefore, it would seem unnecessary for one of ordinary skill in the art to look at the Lin patent.

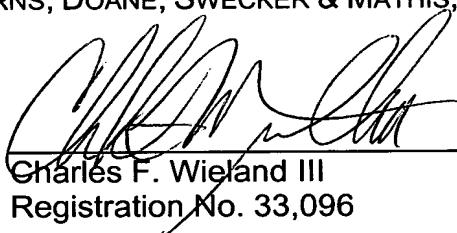
Attorney's Docket No. 033262-003  
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In light of the foregoing, Applicants respectfully request reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned listed below.

Respectfully submitted,

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